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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,333	02/28/2002	Robert L. Meyer	MBC0001	8503

832 7590 12/01/2004

BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,333

Applicant(s)

MEYER ET AL.

Examiner

Yvonne M. Horton

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11, 23-26 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11, 23-26 and 32-35 is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,312,160 to WILBANKS in view of US #864,854 to MURRAY. WILBANKS discloses the method of constructing a building including the steps of planting a plurality of concrete columns (11) for vertical support of a building as shown in figure 1; wherein the column (11) is inherently planted in the earth (not shown) below the water (9), column 2, lines 51-53; securing a wood column (13) to the column (11). WILBANKS discloses the basic claimed vertical support system except for the column having a cross-section equal to the cross-section of the wood column. MURRAY discloses the use of a column wherein the wood column (20) has substantially the same cross-section as the concrete column (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the building structure of WILBANKS with the columns of MURRAY in order to create a building that is much stronger and stable. Providing the upper and lower members the cross-sections the same gives much more strength against to forces imposed thereupon.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,312,160 to WILBANKS in view of US #864,854 to MURRAY. MURRAY discloses the method of constructing a building including the steps of planting a plurality of concrete columns (11) for vertical support of a building as shown in figure 1; wherein

the column (11) is inherently planted in the earth (not shown) below the water (9), column 2, lines 51-53; securing a wood column (13) to the column (11). WILBANKS discloses the basic claimed vertical support system except for the column having a cross-section equal to the cross-section of the wood column and a U-shaped reinforcing bar therein. MURRAY discloses the use of a column wherein the wood column (20) has substantially the same cross-section as the concrete column (10) and a U-shaped reinforcing bar (11) disposed therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the building structure of WILBANKS with the columns of MURRAY in order to create a building that is much stronger and stable. Having the cross-sections the same gives much more strength against to forces imposed thereupon. The inclusion of reinforcing bars further strengthens the column.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,312,160 to WILBANKS in view of US #864,854 to MURRAY. MURRAY discloses the method of constructing a building including the steps of planting a plurality of concrete columns (11) for vertical support of a building as shown in figure 1; wherein the column (11) is inherently planted in the earth (not shown) below the water (9), column 2, lines 51-53; securing a wood column (13) to the column (11). WILBANKS discloses the basic claimed vertical support system except for the column having a cross-section equal to the cross-section of the wood column and a four equally spaced reinforcing bars therein. MURRAY discloses the use of a column wherein the wood column (20) has substantially the same cross-section as the concrete column (10) and

four equally spaced reinforcing bars (22) disposed therein. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the building structure of WILBANKS with the columns of MURRAY in order to create a building that is much stronger and stable. Having the cross-sections the same gives much more strength against to forces imposed thereupon. The inclusion of reinforcing bars further strengthens the column.

Allowable Subject Matter

Claims 8-11,23-26 and 32-35 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMH
Art Unit 3635
11/29/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600